

REMARKS

Appellants note that there may be some ambiguity with respect to claims that are dependent upon claims that have been dismissed by operation of 37 C.F.R. §41.39(b). Therefore, in view of the new ground of rejection (claims 1, 7, 10, 13, 18, 39, 45, 48, 51, and 56) in the Examiner's Answer and the operation of 37 CFR 41.39(b) *sua sponte* dismissal of the appeal as to the claims subject to the new ground of rejection and such claims that are dependent upon *sua sponte* dismissed claims (claims 2-5, 8, 9, 11, 12, 14-17, 40-43, 46, 47, 49, 50, 52-55, and 58-61), such claims are requested to be cancelled and/or withdrawn from consideration, to reduce the number of issues on appeal.

In addition, Appellants provide notice to the Board that many of the claims subject to this request have been included in a continuing application (serial number 13/080,346) that claims priority to this application, and that was filed on April 5, 2011. As of this date, no action has been taken by the Office on the continuing application (serial number 13/080,346).

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

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